

Panaji, 16th February, 1989 (Magha 27, 1910)

SERIES I No. 46

OFFICIAL GAZETTE



GOVERNMENT OF GOA

GOVERNMENT OF GOA

Education Department

Directorate of Education

ORDER

DE/NOC/R.Ps. Accountant/46/89/158

Read:—Rule 78 of the Goa Education Rules 1986.

The matter regarding prescribing Recruitment Rules for the post of Accountant in Non-Government Secondary and Higher Secondary Schools was under consideration of the Government for some

time past. The Government after considering the Recruitment Rules of the post of Accountant in Government service, is pleased to prescribe the Recruitment Rules as given in the Annexure annexed hereto with immediate effect.

While filling the posts of Accountant, the provision in Sub-Rule (1) of Rule 86 of the Education Rules should be strictly followed.

By order and in the name of the Governor of Goa.

D. N. Accawade, Under Secretary (Education)

Panaji, 25th January, 1989.

ANNEXURE

Particulars showing the details of Qualifications, Age, Scale of Pay for filling up the post of Accountant

Sr. No.	Name of the post	Qualifications for direct recruitment		Qualification for promotees	Scale of pay
		Upper age limit	Qualifications		
1	2	3	4	5	6
1.	Accountant	30 years	B.A. with Economics or B. Com. or a University Degree other than Engineering with 3 years experience in Accounts/Audit.	U.D.C.'s working in the schools with 3 years experience in Accounts matters.	Rs. 1400-2300/-

Public Works Department

Notification

7/10-26/88-PW & UD

In exercise of the powers conferred by section 4 of the Goa, Daman and Diu Highways Act, 1974 (Act No. 10 of 1974) (herein-after referred to as the "said Act"), the Government is pleased to appoint the Director of Administration, Public Works Department, Panaji as Highway Authority for all the highways in the State of Goa for the purposes of the said Act.

This Notification shall come into force from the date of its publication in the Official Gazette.

By order and in the name of the Governor of Goa.

D. V. Sathe, Under Secretary to the Government of Goa, P. W. D.

Panaji, 5th January, 1989.

Department of Labour

Corrigendum

23/19/80-ILD

Read: Notification of even number dated 17-5-1988.

In the notification referred above the following changes are made:—

At serial No. 4 — 'Regional Director of Employment and Training' should be read as 'Regional Director of Apprenticeship Training' and at Sl. No. 5 'Central Railway' should be read as 'South Central Railway'.

In para 2 of the said notification, the name of the 'National Council for Training in Vocational Trades' should be read as 'National Council for Vocational

Training' and the names of both the Councils wherever appearing should be read as '(1) State Council for Vocational Training and (2) National Council for Vocational Training'.

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Labour).

Panaji, 25th November, 1988.

Finance (Revenue and Control) Department

Notification

5/3/85-Fin(R&C)/Part file

In exercise of the powers conferred by the first proviso to sub-section (1) of section 7 of the Goa, Daman and Diu Sales Tax Act, 1964, (Act 4 of 1964) (hereinafter referred to as the 'said Act') the Government of Goa hereby amends the First Schedule to the said Act as follows, namely:—

In entry 22 of the First Schedule to the said Act, for the words "other than feni", the words "other than urrac and feni" shall be substituted.

This Notification shall come into force with immediate effect.

By order and in the name of the Governor of Goa.

K. M. Nambiar, Under Secretary (Fin. Exp.)

Panaji, 23rd January, 1989.

Law (Legal and Legislative Affairs) Department

Notification

10-3-88/LA

The Benami Transactions (Prohibition) Act, 1988 (Central Act 45 of 1988) which was passed by Parliament and assented to by the President of India on 5-9-1988 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 6-9-1988 is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 24th January, 1989.

The Benami Transactions (Prohibition) Act, 1988

AN

ACT

to prohibit benami transactions and the right to recover property held benami and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the *Benami Transactions (Prohibition) Act, 1988*.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) The provisions of sections 3, 5 and 8 shall come into force at once, and the remaining provisions of this Act shall be deemed to have come into force on the 19th day of May 1988.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "*benami transaction*" means any transaction in which property is transferred to one person for a consideration paid or provided by another person;

(b) "*prescribed*" means prescribed by rules made under this Act;

(c) "*property*" means property of any kind, whether movable or immovable, tangible or intangible, and includes any right or interest in such property.

3. *Prohibition of benami transactions.*—(1) No person shall enter into any *benami transaction*.

(2) Nothing in sub-section (1) shall apply to the purchase of property by any person in the name of his wife or unmarried daughter and it shall be presumed, unless the contrary is proved, that the said property had been purchased for the benefit of the wife or the unmarried daughter.

(3) Whoever enters into any *benami transaction* shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence under this section shall be non-cognizable and bailable.

4. *Prohibition of the right to recover property held benami.*—(1) No suit, claim or action to enforce any right in respect of any property held *benami* against the person in whose name the property is held or against any other person shall lie by or on behalf of a person claiming to be the real owner of such property.

(2) No defence based on any right in respect of any property held *benami*, whether against the person in whose name the property is held or against any other person, shall be allowed in any suit, claim or action by or on behalf of a person claiming to be the real owner of such property.

(3) Nothing in this section shall apply,—

(a) where the person in whose name the property is held is a coparcener in a Hindu undivided family and the property is held for the benefit of the coparceners in the family; or

(b) where the person in whose name the property is held is a trustee or other person standing in a fiduciary capacity, and the property is held for the benefit of another person for whom he is a trustee or towards whom he stands in such capacity.

5. Property held benami liable to acquisition. —

(1) All properties held *benami* shall be subject to acquisition by such authority, in such manner and after following such procedure, as may be prescribed.

(2) For the removal of doubts, it is hereby declared that no amount shall be payable for the acquisition of any property under sub-section (1).

6. Act not to apply in certain cases. —

Nothing in this Act shall affect the provisions of section 53 of the Transfer of Property Act, 1882, or any law relating to transfers for an illegal purpose.

4 of 1882.

7. Repeal of provisions of certain Acts. —

(1) Section 81, 82 and 94 of the Indian Trusts Act, 1882, section 66 of the Code of Civil Procedure, 1908 and section 281A of the Income-tax Act, 1961, are hereby repealed.

2 of 1882.

5 of 1908.

43 of 1961.

(2) For the removal of doubts, it is hereby declared that nothing in sub-section (1) shall affect the continued operation of section 281A of the Income-tax Act, 1961 in the State of Jammu and Kashmir.

43 of 1961.

8. Power to make rules. — (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: —

(a) the authority competent to acquire properties under section 5;

(b) the manner in which, and the procedure to be followed for, the acquisition of properties under section 5;

(c) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

9. Repeal and saving. — (1) The *Benami Transactions (Prohibition of the Right to Recover Property) Ordinance, 1988* is hereby repealed.

Ord. 2 of 1988.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

Notification

10-3-88/LA (Part)

The Merchant Shipping (Amendment) Act, 1988 (Central Act 55 of 1988) which was passed by Parliament and assented to by the President of India on 1-10-1988 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 3-10-1988 is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 7th February, 1989.

The Merchant Shipping (Amendment) Act, 1988

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ACT

further to amend the Merchant Shipping Act, 1958.

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows: —

1. Short title and commencement. — (1) This Act may be called the Merchant Shipping (Amendment) Act, 1988.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 352H. — In section 352H of the Merchant Shipping Act, 1958 (hereinafter referred to as the principal Act), —

(a) in sub-section (1), —

(i) the brackets and figure “(1)” shall be omitted;

(ii) after clause (e), the following clause shall be inserted, namely: —

“(f) “tonnage” means the tonnage of a ship determined in accordance with the provisions of section 352B and where it is not so determinable, it means forty per cent of the weight in tons of oil cargo the ship is capable of carrying.”;

(b) sub-section (2) shall be omitted.

3. Amendment of section 352J. — In section 352J of the principal Act, in sub-section (1), for clauses (a) and (b), the following clauses shall be substituted, namely: —

“(a) one hundred and thirty-three Special Drawing Rights for each ton of the ship's tonnage; or

(b) fourteen million Special Drawing Rights.”

4. Amendment of section 352K. — In section 352K of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely: —

“(3) The amount in Special Drawing Rights to be deposited or secured in the fund under sub-

-section (1) shall be converted in rupees on the basis of official value in rupees of the Special Drawing Rights as determined by the Reserve Bank of India on the date of constitution of the fund."

5. *Amendment of section 352N.* — In section 352N of the principal Act, —

(i) in sub-section (1), for clauses (a) and (b), the following clauses shall be substituted, namely: —

"(a) one hundred and thirty-three Special Drawing Rights for each ton of the ship's tonnage; or

(b) fourteen million Special Drawing Rights,";

(ii) in sub-section (3), after the word and figures "November, 1969", the words "as amended from time to time" shall be inserted.

6. *Amendment of section 352O.* — In section 352O of the principal Act, after the word and figures "November, 1969", the words "as amended from time to time" shall be inserted.

Notification

10-3-88/LA (Part)

The Dock Workers (Regulation of Employment) Amendment Act, 1988 (Central Act 56 of 1988) which was passed by Parliament and assented to by the President of India on 1-10-1988 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 3-10-1988 is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 7th February, 1989.

The Dock Workers (Regulation of Employment) Amendment Act, 1988

AN

ACT

further to amend the Dock Workers (Regulation of Employment) Act, 1948.

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. *Short title.* — This Act may be called the Dock Workers (Regulation of Employment) Amendment Act, 1988.

2. *Insertion of new sections 5D and 5E.* — After section 5C of the Dock Workers (Regulation of Employment) Act, 1948, 5 of 1948

the following sections shall be inserted, namely:—

"5D. *Annual report.* — Every Board shall prepare, in such form and at such time in each financial year as may be specified by rules made under this Act, its annual report, giving full account of its activities during the previous financial year, and submit a copy thereof to the Government.

5E. *Annual report and audited accounts to be laid before Parliament or Legislature.* — The annual report, and the audited accounts of the Board, together with auditor's report thereon and a review by the Government on the working of the Board, shall, within a period of nine months of the close of the financial year, be laid before each House of Parliament, if such report and accounts have been submitted to the Central Government, and before the Legislature of the State, if such report and accounts have been submitted to the State Government:

Provided that where such report, accounts and the review are not laid before Parliament or, as the case may be, before the Legislature of the State within the said period, the same shall be so laid thereafter along with the reasons for the delay."

Law Department

Notification

10-6-88-LA

In exercise of the powers conferred by clauses (b), (c), (d) and (e) of sub-section (2) and sub-section (1) of section 23 read with sections 5 and 6 of the Family Courts Act, 1984 (Central Act 66 of 1984), the Government of Goa, after consultation with the High Court, hereby makes the following rules so as to amend the Goa Family Courts Rules, 1988, namely:—

1. *Short title and commencement.* — (1) These rules may be called the Goa Family Courts (Amendment) Rules, 1988.

(2) They shall come into force at once.

2. *Amendment of rule 12.* — In rule 12 of the Goa Family Courts Rules, 1988 (hereinafter referred to as the "principal Rules"), for the words "Persons having a Degree", the words "Persons having a Master's Degree" shall be substituted.

3. *Amendment of rule 18.* — In rule 18 of the principal Rules, for the words "May seek information", the words "May seek such information", shall be substituted.

By order and in the name of the Governor of Goa.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 15th December, 1988.